IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1822 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RC CHAUHAN

Versus

REGISTRAR OF COOPERATIVE SOCIETIES

Appearance:

1. Special Civil Application No. 1822 of 1999

Ms. Kerawala for TANNA ASSOCIATES for Petitioner No. 1

Mr. M.R. Mengde, AGP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 11/12/2003

ORAL JUDGEMENT

Heard learned advocate Ms. Kerawala for the petitioner and Mr. M.R. Mengde, learned AGP for the

respondent authorities. In this petition, the petitioner has challenged the order passed by the Gujarat Civil Services Tribunal Gandhinagar in Appeal NO. 36 of 1996 dated 6th July, 1998 wherein appeal was dismissed by the tribunal. This Court has, by way of order dated 24th Sept. 2003, directed the petitioner to make representation to the respondent authority and the respondent authorities were directed to consider the representation of the petitioner and to pass appropriate order in accordance with law and ultimately, the petitioner made representation on 1st October, 2003.

During the course of hearing, learned advocate Ms. Kerawala appearing for the petitioner has submitted that pursuant to the representation made by the petitioner dated 1st October, 2003, the respondents have cancelled the adverse entries made in the confidential remarks of the petitioner for the period from 1.4.1992 to 12.11.1992 as per communication dated 27.11.2003. She has produced the said communication dated 27.11.2003 addressed to the petitioner Shri RC Chauhan by the Additional Registrar Cooperative Societies (A), Gujarat State, Gandhinagar. Same is ordered to be taken on record. Thus, as per the communication dated 27.11.2003, adverse remarks in respect of the petitioner for the period from 1.4.1992 to 12.11.1992 have been cancelled and naturally, because of that, the order of the tribunal would also not remain in existence.

Learned advocate Ms. Kerawala submits that after the order passed by the respondent authority on 27.11.2003, the petitioner has made representation before the respondents on 2nd December, 2003 for consequential benefits available in view of the order dated 27.11.2003. She requests that some suitable directions may be issued to the respondents for considering the said representation made by the petitioner on 2nd December, 2003 in accordance with law within some reasonable period. Learned AGP Mr. Mengde appearing for the State authorities has submitted that if the petitioner has made any such representation same shall be considered and decided by the respondents in accordance with law within some reasonable period.

Considering the submissions made by the learned advocates for the parties, respondents are directed to consider the representation of the petitioner dated 2nd December, 2003 in accordance with law within two months from the date of receipt of copy of this order and to communicate their decision to the petitioner immediately thereafter.

With these observations and directions, this petition is disposed of. Rule is discharged. Interim relief, if any, shall stand vacated. There shall be no order as to costs.

Dt.11.12.2003. (H.K. Rathod,J.)
Vyas